APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,479	12/12/2003	C. Pat James	190250-1530	2468

			EXAMINER
38823	7590	06/09/2005	PRETLOW, DEMETRIUS R

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ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No.	Applicant(s)
		10/735,479	JAMES, C. PAT
		Examiner	Art Unit	
		Demetrius R. Pretlow	2863	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 December 2003*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-35* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1,4,7,8,10-18,20-27 and 29-35* is/are rejected.
7) ☒ Claim(s) *2,3,5,6,9,19 and 28* is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *12 December 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/15/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Drawings

The drawings are objected to because In Figures 1 and 2 items 130 and 210 are labeled engine however in the disclosure items 130 and 210 are identified as generator. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: For example

on pages 6 and throughout the disclosure, item 130 and on page 8 item 210 identifies a

generator however the drawings indicate an engine

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul et

al. (US 5,332,927). Given the broadest interpretation, in reference to claim 10, Paul et

al. teach monitoring logic operable monitor at least one DC plant and receive a plurality

of data signals associated with the DC plant; Note column 12, lines 1-10. Paul et al.

teach storage logic (71) operable to store at least one boundary parameter associated

with said at least one DC plant; Note column 12, lines 21-31. Paul et al. teach

communication logic operable to receive the plurality of data signals and said at least

one boundary parameter and provide the plurality of data signals and said at least one

boundary parameter to a remote computer (terminals). Note column 12, lines 23-34.

In reference to claim 11, Paul et al. teach wherein the monitoring logic is further

operable to monitor at least one fuel monitor associated with an AC plant, and receive a

plurality of data signals associated with said at least one fuel monitor. Note column 9,

lines 20-22.

In reference to claim 12, Paul et al. teach wherein the storage logic is further

operable to store at least one boundary parameter associated with said at least one fuel

monitor. Note column 11 lines 28-35.

In reference to claim 13, Paul et al. teach alarm logic operable to notify at least

one remote computer associated with the system responsive to any of the plurality of

data signals associated with said at least one fuel monitor being outside said at least

one boundary parameter associated with said at least one fuel monitor. Note column 12,

lines 21-34.

In reference to claim 14, Paul et al. teach alarm logic operable to notify at least

one remote computer associated with the system responsive to any of the plurality of

data signals associated with said at least one DC plant (battery 84) being outside said

at least one boundary parameter associated with said at least one DC plant. Note

column 12, lines 1-6, and 21-34.

In reference to claim 15, Paul et al. teach wherein the communication logic is

operable to periodically request a plurality of updated data signals from the DC plant .

Note column 11, lines 52-65 and column 12, line 5. Each time the engine is started due

to excessive time interval (periodically) the battery voltage is monitored thereby

producing plural battery voltage readings.

In reference to claim 16, Paul et al. teach wherein the monitoring logic is further

operable to monitor at least one AC plant (24), and receive a plurality of data signals

associated with said at least one AC plant. Note column 9, lines 1-2, and 20-23. The

plurality signals are the fuel level signals provided each time the engine is started

because the elapsed time has been exceeded . Note column 11, 56-65 and column 12,

lines 5.

In reference to claim 17, Paul et al. teach storage logic is further operable to

store at least one boundary parameter associated with said at least one AC plant. Note

column 11, lines 25-31 and column 12, lines 21-25.

In reference to claim 18, Paul et al. teach alarm logic operable to notify at least

one remote computer associated with the system responsive to any of the plurality of

data signals associated with said at least one AC plant being outside said at least one

boundary parameter associated with said at least one AC plant. Note column 12, lines

21-34.

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1,8, 20,21,26,27, 29,30 and 35 are rejected under 35 U.S.C. 102(e) as

being anticipated by Stefan. In reference to claim 1, Stefan teach a graphical user

interface logic operable to provide a user with a plurality of periodically updated data

points associated with a DC plant; Note paragraph 11, lines 5-16 and paragraph 15,

lines 2 and 3. The graphical interface would be the device used to log into the system to

view real time reports. Stefan teach connection logic coupled to the graphical user

interface logic, operable to connect to a monitoring server and receive the plurality of

periodically updated data points associated with the DC plant, the monitoring server

being coupled to a plurality of DC plants via a network. Note paragraph 22, lines 10-22.

In reference to claim 8, Stefan teach storage logic operable to store a plurality of

acceptable data points associated with the plurality of DC plants, and report the

acceptable data points to the user via the graphical user interface; Note claim 1, lines 3-

16. The graphical interface would be the device used to log into the system to view real

time reports. Note paragraph 11, lines 5-16. Stefan teach an alarm logic operable to

notify a user via the graphical user interface logic responsive to the plurality of

periodically updated data points associated with any of the plurality of DC plants being

outside the plurality of acceptable data points. Note paragraph 34, lines 1-10.

In reference to claim s 20 and 29, Stefan teach requesting (polling) a plurality of

data signals associated with the DC plant from a data gathering unit (48, 50) associated

with the DC plant; Note paragraph 22, lines 1-11 paragraph 27, lines 1-4 and paragraph

32, lines 1-6. Stefan teach receiving the plurality of data signals associated with the DC

plant from the data gathering unit; Note paragraph 22, line 4. Stefan teach providing the

plurality of data signals associated with the DC plant to a remote computer for display to

a user. Note paragraph 34, lines 1-10.

In reference to claims 21 and 30, Stefan teach comparing each of the plurality of

data signals associated with the DC plant to a corresponding plurality of boundary

parameters associated with the DC plant; Note paragraph 34, lines 2-4 and 8-10. Stefan

teach notifying the remote computer responsive to any of the plurality of data signals

associated with the DC plant being outside the corresponding boundary parameter.

Note paragraph 34, lines 9-10.

In reference to claims 26 and 35, Stefan teach displaying the plurality of data

signals associated with the DC plant on the remote computer. Note paragraph lines, 2-

3, and 7-10.

In reference to claim 27, Stefan teach updating the plurality of data signals

associated with the DC plant. Note paragraph 15, lines 5-7. Continual measurements

indicates the measurements are updated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 22-25,31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Stefan (US 2005/0071093) in view of Paul et al (US 5,332,927). Stefan teach the

limitations above.

In reference to claims 22 and 31 and, Stefan does not teach requesting a

plurality of data signals associated with a fuel monitor coupled to an AC plant; receiving

the plurality of data signals associated with the fuel monitor; and providing the plurality

of data signals associated with the fuel monitor to a remote computer for display to a user.

Paul et al. teach requesting a plurality of data signals associated with the fuel monitor coupled to an AC plant (24); Note column 11, lines 52-65 and column 12, line 5. Each time the engine is started due to excessive time interval (periodically) the fuel level is monitored thereby producing plural fuel level readings suggesting that some sort of request has been made. Paul et al. teach receiving the plurality of data associated with the fuel monitor. The plurality signals are the fuel level signals provided each time the engine is started because the elapsed time has exceeded . Note column 11, 56-65 and column 12, lines 5. Paul et al. teach providing the plurality of data signals associated with the fuel monitor to a remote computer (terminal) for display to a user. Note column 12, lines 23-34.

It would have been obvious to a person skilled in the art at the time the invention was made to modify the invention of Stefan to include the teaching of Paul et al. because it would allow the remaining fuel to be determined. Note column 4, lines 6.

In reference to claims 23 and 32, Stefan does not teach comparing each of the plurality of data signals associated with the fuel monitor to a corresponding plurality of boundary parameters associated with the fuel monitor; and notifying the remote computer responsive to any of the plurality of data signals associated with the fuel monitor being outside the corresponding boundary parameter.

Paul et al. teach comparing each of the plurality of data signals associated with the fuel monitor to a corresponding plurality of boundary parameters associated with the fuel monitor; Note column 12, lines 1,2,6 and 21-34.

and notifying the remote computer responsive to any of the plurality of data signals associated with the fuel monitor being outside the corresponding boundary parameter. Note column 12, lines 1,2,6 and 21-34.

It would have been obvious to a person skilled in the art at the time the invention was made to modify the invention of Stefan to include the teaching of Paul et al. because it would allow the remaining fuel to be determined. Note column 4, lines 6.

In reference to claims 24 and 33, Stefan does not teach requesting a plurality of data signals associated with an AC plant; receiving the plurality of data signals associated with the AC plant; and providing the plurality of data signals associated with the AC plant to a remote computer for display to a user.

Paul et al. teach requesting a plurality of data signals associated with the AC plant (24); Note column 11, lines 52-65 and column 12, line 5. Each time the engine is started due to excessive time interval (periodically) the oil pressure is monitored thereby producing plural oil pressure readings suggesting that some sort of request has been made. Paul et al. teach receiving a plurality of data signals associated with the AC plant. Note column 9, lines 20-22. Paul et al. teach providing the plurality of data signals associated with the AC plant to a remote computer for display to a user. Note column 12, lines 23-34.

It would have been obvious to a person skilled in the art at the time the invention was made to modify the invention of Stefan to include the teaching of Paul et al. because it would allow the remaining fuel to be determined. Note column 4, lines 6.

In reference to claims 25 and 34 and , Stefan does not teach comparing each of the plurality of data signals associated with the AC plant to a corresponding plurality of boundary parameters associated with the AC plant; and notifying the remote computer responsive to any of the plurality of data signals associated with the AC plant being outside the corresponding boundary parameter.

Paul et al. teach comparing each of the plurality of data signals associated with the AC plant to a corresponding plurality of boundary parameters associated with the AC plant; Note column 12, lines 1,2,6 and 21-34. Paul et al. teach notifying the remote computer responsive to any of the plurality of data signals associated with the DC plant being outside the corresponding boundary parameter. Note column 12, lines 1,2,6 and 21-34.

It would have been obvious to a person skilled in the art at the time the invention was made to modify the invention of Stefan to include the teaching of Paul et al. because it would allow the remaining fuel to be determined. Note column 4, lines 6.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefan (US 2005/0071093) in view of Paul et al. (5,332,927). Stefan teach the limitations above.

Stefan does not teach the graphical user interface is further operable to provide a user with a plurality of periodically updated data points associated with an AC plant.

Paul et al. teach the graphical user interface is further operable to provide a user with a plurality of periodically updated data points associated with an AC plant. Note column 12, lines 23-34 column 9, lines 20-22.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Stefan to include the invention of Paul et al. because it would allow the remaining fuel in the engine of the generator to be determined. Note column 4, lines 6-7.

In reference to claim 7, Stefan does not teach graphical user interface is further operable to provide a user with a plurality of periodically updated data points associated with a fuel monitor coupled to an AC plant. Note column 12, lines 23-34.

Claims 2-3,5-6,9,19,28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-3 would be allowable because prior art of record does not teach a data gathering unit operable to gather a voltage and a current reading from any of at least one rectifier associated with the DC plant found in each of the claims, as they are claimed in the combination,

Claims 5-6 would be allowable because the prior art of record does not teach testing logic operable to receive feedback from the user and simulate a commercial power failure at a site associated with the AC and DC plants found in each of the claims, as they are claimed in the combination,

Claim 9 would be allowable because the prior art of record does not teach wherein the alarm logic is operable to signal a minor alarm responsive to a portion of the periodically updated information being outside initial acceptable data points, and operable to signal a major alarm responsive to a portion of the periodically updated information being outside final acceptable data points found in each of the claims, as they are claimed in the combination,

Claim 19 would be allowable because the prior art of record does not teach simulation logic operable to simulate a power failure at a site associated with a DC plant found in each of the claims, as they are claimed in the combination,

Claim 28 would be allowable because the prior art of record does not teach simulating a power failure at a site associated with the DC plant, and monitoring the DC plant for operating conditions during the power failure found in each of the claims, as they are claimed in the combination,

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (571) 272-2278. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow

Patent Examiner

**BRYAN BUI
PRIMARY EXAMINER**